

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred Senate Bill 342, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 8, after line 11, begin a new paragraph and insert:
- 2 "SECTION 8. IC 35-33-6-2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) An owner or
- 4 agent of a store who has probable cause to believe that a theft has
- 5 occurred or is occurring on or about the store and who has probable
- 6 cause to believe that a specific person has committed or is committing
- 7 the theft:
- 8 (1) may:
- 9 (1) (A) detain the person and request the person to identify
- 10 himself **or herself**;
- 11 (2) (B) verify the identification;
- 12 (3) (C) determine whether the person has in ~~his~~ **the person's**
- 13 possession unpurchased merchandise taken from the store;
- 14 (4) (D) inform the appropriate law enforcement officers; and

- 1 ~~(5)~~ (E) inform the **person's** parents or others interested in the
 2 person's welfare that the person has been detained; **but**
 3 **(2) shall not ask the person to sign a written instrument that**
 4 **acknowledges that the person committed the theft or waives**
 5 **any of the person's legal rights if:**
 6 **(A) the person is less than eighteen (18) years of age; and**
 7 **(B) no parent or guardian of the person is present at the**
 8 **time the person is asked to sign the written instrument.**
 9 (b) The detention must:
 10 (1) be reasonable and last only for a reasonable time; and
 11 (2) not extend beyond the arrival of a law enforcement officer or
 12 two (2) hours, whichever first occurs."
 (Reference is to SB 342 as printed February 13, 2009.)

and when so amended that said bill do pass.

Representative Lawson L